

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

ROBERTO MONTGOMERY, *et. al.*,

Defendants.  
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S4 05 Cr. 1067 (KMK)

**AFFIRMATION IN SUPPORT**

**DENIS P. KELLEHER, ESQ.**, a member of the law firm of Kelleher & Dunne LLP and an attorney duly admitted to practice in this Court, hereby affirms under penalty of perjury pursuant to 28 U.S.C § 1746 to the truth of the following:

1. I am the attorney for the Naresh Pitambar (“Pitambar” or “defendant”), in the above captioned matter and am fully familiar with the facts and circumstances of this case. I was Pitambar’s trial counsel in this matter.

2. I make this affirmation in support of a Pitambar’s motion for a new trial pursuant to Rule 33(a) of the Federal Rules of Criminal Procedure (“FRCrP”).<sup>1</sup>

3. In September 2007, I was contacted by Martin Stolar, Esq. who informed me that he was preparing for a trial where Natasha Singh was going to testify for the government. This is when I first learned of the case entitled *United States v. Luvenia Bartee, et. al.*, 06 Cr. 832 (KTD) in which the indictment references Natasha Singh and Douglas Shyne. This indictment and documents surrounding this indictment were never provided to Pitambar prior to his April 2007 trial.

4. Prior to Pitambar’s April 2007 trial, I conducted a PACER check in the Southern

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<sup>1</sup> The Court has reserved until Pitambar’s Rule 29 motions made after the government rested as well after the verdict. In the event the Court grants Pitambar Rule 29 motion, Pitambar would still request the Court issue a ruling

District of New York of Natasha Singh, and the only matter that arose was the instant indictment 05 Cr 1067.

5. The factual and legal arguments advanced in support of the relief sought in the accompanying Notice of Motion are included in the Memorandum of Law and this affirmation.

**WHEREFORE**, based on the facts set forth herein, it is respectfully requested that this Court grant the relief requested and/or any other relief the Court deems that justice requires.

Dated: New York, NY  
November 8, 2007

Respectfully submitted,

/s/  
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